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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF: Tomokazu MORITA, et al.

SERIAL NUMBER: 10/667,863

ATTN: APPLICATION BRANCH

FILING DATE: September 23, 2003

FOR: NEGATIVE ELECTRODE ACTIVE MATERIAL FOR NONAQUEOUS ELECTROLYTE
SECONDARY BATTERY AND NONAQUEOUS ELECTROLYTE SECONDARY BATTERY

FILING OF DECLARATION UNDER 37 CFR 1.53(f)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the notification dated December 16, 2003, and in accordance with the provisions of 37 CFR 1.53(f),
Applicants submit herewith a Rule 63 Declaration.

The required fee was paid at the time of filing the application.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable
action is earnestly solicited.

Respectfully Submitted,

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DECLARATION FOR PATENT APPLICATION

FEB 17 2004

As a ~~below~~ named inventor, I declare:

that I verily believe myself to be the original, first and sole (if only one individual inventor is listed below) or an original, first and joint inventor (if more than one individual inventor is listed below) of the invention in

NEGATIVE ELECTRODE ACTIVE MATERIAL FOR NONAQUEOUS ELECTROLYTE SECONDARY BATTERY AND NONAQUEOUS ELECTROLYTE SECONDARY BATTERY

the specification of which is attached hereto unless the following box is checked.

was filed on September 23, 2003 as United States Application or PCT International Application No. 10/667,863, and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information of which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 35 U.S.C. 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

<u>Country</u>	<u>Category</u>	<u>Application No.</u>	<u>Filing Date</u>	<u>Priority Claim</u>
Japan	Patent	2002-280303	September 26, 2002	Yes

I hereby appoint the registrants of Oblon, Spivak, McClelland, Maier & Neustadt, P.C., 1940 Duke Street, Alexandria, Virginia 22314, Customer No. 22850, or any one of them. Send correspondence to Oblon, Spivak, McClelland, Maier & Neustadt, P. C., 1940 Duke Street, Alexandria, Virginia 22314, Telephone No. (703) 413-3000.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DECLARATION FOR PATENT APPLICATION

I declare further that my mailing address is at c/o
 Intellectual Property Division, Toshiba Corporation, 1-1, Shibaura
 1-chome, Minato-ku, Tokyo 105-8001, Japan; and
 that my citizenship and residence are as stated below next to my name:

Inventor: (Signature)

Date

Residence

Date: OCT. 15.2003

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Tomokazu Morita

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Nori Takami

Norio Takami

Date: OCT. 15.2003

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Date:

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